

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

REGINALD BROWN,
Plaintiff,

v.

THE HOUSE OF CORRECTION(S)
PHILADELPHIA,
Defendant.

:
:
:
:
:
:
:
:

CIVIL ACTION NO. 18-CV-3397

FILED

AUG 27 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 27th day of August, 2018, upon consideration of Plaintiff Reginald

Brown's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and *pro se* Complaint (ECF No. 2), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. Mr. Brown, #KK-8776, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Mr. Brown, an initial partial filing fee of \$19.21 is assessed. The Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Mr. Brown may be incarcerated is directed to deduct \$19.21 from Mr. Brown's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-3397. After the initial partial filing fee is collected and until the full filing fee is paid, the Superintendent or other appropriate official at SCI Phoenix or at any other prison at which Mr. Brown may be incarcerated, shall deduct from Mr. Brown's account, each time that Mr. Brown's inmate trust fund account exceeds \$10.00, an amount no greater than 20% of the money credited to his account during the preceding month and forward that amount to the Clerk

of Court at the address provided above to be credited to Civil Action No. 18-3397. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Superintendent of SCI Phoenix.

3. The Complaint is **DEEMED** filed.


4. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons set forth in the Court's Memorandum.

5. Mr. Brown is given leave to file an amended complaint within thirty (30) days of the date of this Order naming the person or persons responsible for the alleged violations of his rights, or a proper legal entity subject to suit under § 1983. Any amended complaint must identify the defendants in the caption in addition to the body of the amended complaint, and shall state the basis for Mr. Brown's claims against each defendant. If Mr. Brown does not know the identity of any of the individuals responsible he claims are responsible for the matters alleged, he may refer to them as "Jane or John Doe." However, the amended complaint must still state how each "John or Jane Doe" was personally involved in the alleged violations of Mr. Brown's rights. Upon the filing of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

6. The Clerk of Court is **DIRECTED** to send Mr. Brown a blank copy of this Court's current form to be used by a prisoner filing a civil rights action bearing the above-captioned civil action number. Mr. Brown may use this form to file his amended complaint.

7. If Mr. Brown fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:



GENE E.K. PRATTER, J.